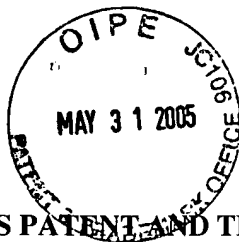


Practitioner's Docket No. 17396/09015



1616  
8/27  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Maurice R. De Billot, et al.

Application No.: 10/026,301

Group No.: 1616

Filed: 12/19/2001

Examiner: S. Mark Clardy

Confirmation No.: 8087

For: METHOD OF IMPROVING YIELD AND  
VIGOR OF PLANTS

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that the attached correspondence, comprising:

1. Fee Transmittal for FY 2005 (2 pages – original and copy)
2. Response and Amendment Pursuant to 37 C.F.R. § 1.111 Transmittal (2 pages – original and copy)
3. Petition And Fee For Extension Of Time (37 C.F.R. § 1.136(a)) with Certification Under 37 C.F.R. §§ 1.8(a) and 1.10\* (2 pages – original and copy)
4. Response and Amendment Under 37 CFR § 1.111 (38 pages)
5. Notification of Filing of a Continuation (CON) Application (1 page)
6. Check No. in the amount of \$120.00 (one-month ext.).
7. Return Receipt Postcard,

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on May 26, 2005.

Mim Voet

  
\_\_\_\_\_  
Signature of person mailing paper

Practitioner's Docket No. 17396/09015

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Maurice R. De Billot, et al.  
Application No.: 10/026,301  
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Group No.: 1616  
Examiner: S. Mark Clardy

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTIFICATION OF FILING OF A CONTINUATION (CON) APPLICATION

Notification is hereby being made of the filing of a continuation application for this case concurrently herewith.

Date: May 26, 2005

Reg. No.: 35,124

Telephone No.: 864-250-2238  
Facsimile No.: 803-256-7500  
Customer No.: 000045850

  
Signature of Practitioner  
Charles E. Dunlap, Ph.D., Esq.

Nelson Mullins Riley & Scarborough LLP  
P.O. Box 11070  
Columbia, SC 29211

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

■ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. § 1.8(a)**

■ with sufficient postage as first class mail.


**37 C.F.R. § 1.10\***

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Mim Voet

Date: May 26, 2005

\_\_\_\_\_  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.



Practitioner's Docket No. 17396/09015

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Maurice R. De Billot, et al.

Application No.: 10/026,301

Filed: 12/19/2001

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For: METHOD OF IMPROVING YIELD AND  
VIGOR OF PLANTS

Group No.: 1616

Examiner: S. Mark Clardy

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT PURSUANT TO 37 C.F.R. §1.111  
TRANSMITTAL

1. Transmitted herewith is a Response and Amendment Pursuant to 37 C.F.R. §1.111 for this application.

STATUS

2. Applicants are other than a small entity.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using *Express Mail*, the *Express Mail* label number is *mandatory*;  
*Express Mail* certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

■ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)  
with sufficient postage as first class mail.

37 C.F.R. § 1.10\*  
☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_

Signature

Mim Voet

Date: May 26, 2005

\_\_\_\_\_  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Amendment Transmittal--page 1 of 2

### EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicants petition for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month: Fee: \$120.00

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE		ADDIT. FEE
TOTAL	38	—	75	=	0	x \$ 50.00	= \$ 0.00
INDEP.	3	—	9	=	0	x \$ 200.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$ 0.00	= \$	0.00
TOTAL							
ADDIT. FEE						\$	0.00
No additional fee for claims is required.							

### FEE PAYMENT

5. Attached is a check in the sum of \$120.00.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

### FEE DEFICIENCY

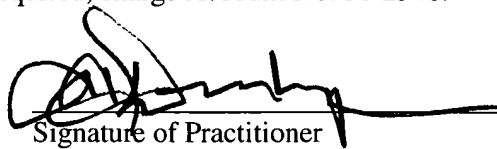
6. If an additional extension and/or fee is required, charge Account No. 50-2548.

If an additional fee for claims is required, charge Account No. 50-2548.

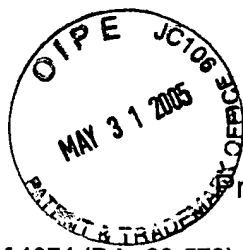
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Signature of Practitioner  
Charles E. Dunlap, Ph.D., Esq.

Nelson Mullins Riley & Scarborough LLP  
Meridian, Suite 1700  
1320 Main Street  
Columbia, SC 29201



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.